

Attorney's Docket No. P1188

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application

Assistant Commissioner for Patents

Washington, D.C. 20231

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of Inventor(s):

ABHA AHUJA; MATT AYERS; BEN BLACK; CHRIS BROWN; DANIEL T. COHN;  
STEPHEN RAMSEY; OPHIR RONEN; PAUL J. SCHACHTER;  
OSCAR B. STIFFELMAN; CHRISTOPHER D. WHEELER

For (title):

METHOD AND SYSTEM FOR OPTIMIZING ROUTING THROUGH MULTIPLE  
AVAILABLE INTERNET ROUTE PROVIDERS

1. Type of Application

This new application is for a(n):

- ☒ Original (nonprovisional)  
☐ Design  
☐ Plant  
☐ Divisional  
☐ Continuation  
☐ Continuation-in-part (CIP)

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this New Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date AUGUST 22, 2000 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EL641403592US addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

John P. O'Banion

(Type or print name of person mailing paper)

(Signature of person mailing paper)

NOTE: Each paper or fee referred to as enclosed herein has the number of the "Express Mail" label placed thereon prior to mailing. 37 CFR 1.10(b).

**2. Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b) (Regular) or 37 CFR 1.153 (Design) Application**

46 Pages of specification

21 Pages of claims

1 Pages of Abstract

13 Sheets of drawing

X formal

— informal

— The enclosed drawing(s) include photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 C.F.R. 1.84(b).

**3. Additional papers enclosed**

— Preliminary Amendment

— Information Disclosure Statement

— Form PTO - 1449

— Citations

— Authorization of Attorney(s) to Accept and Follow Instructions from Representative

— Special Comments

— Other

**4. Declaration Or Oath**

— Enclosed

executed by:

— inventor(s)

— legal representative of inventor(s). 37 CFR 1.42 or 1.43.

— joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.

— this is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached. (See item 18 below for fee.)

☐ Copy from a prior application (37 CFR 1.63(d)) (divisional or continuation only)

☒ Not Enclosed.

☒ Application is made by a person authorized under 37 CFR 1.41(c) on behalf of all of the above named inventor(s). (The declaration or oath, along with the surcharge required by 37 CFR 1.16(e) can be filed subsequently).

☐ Attached is a showing that the filing is authorized. (Not required unless called into question. 37 CFR 1.41(d)).

**5. Inventorship Statement**

The inventorship for all the claims in this application are:

☒ The same

**or**

☐ Are not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,

☐ is submitted.

☐ will be submitted.

**6. Language**

☒ English

☐ non-English

☐ the attached translation is a verified translation. 37 CFR 1.52(d).

**7. Assignment**

☒ An assignment of the invention to: INTERNAP NETWORK SERVICES

☐ is attached. A separate "ASSIGNMENT COVER LETTER ACCOMPANYING NEW PATENT APPLICATION" is also attached.

☒ will follow.

## 8. Fee Calculation (37 CFR 1.16)

### A. ☒ Regular Application

CLAIMS AS FILED							
	Number filed			Number Extra		Rate	Basic Fee \$ 690.00
Total							
Claims 37 CFR 1.16(c)	66	- 20	=	46	X	\$18.00	= 828.00
Independent							
Claims (37 CFR 1.16(b))	8	- 3	=	5	X	\$78.00	= 390.00
Multiple dependent claim(s), if any (37 CFR 1.16(d))					+	\$260.00	=

- ☐ Amendment canceling extra claims enclosed.
- ☐ Amendment deleting multiple-dependencies enclosed.
- ☐ Fee for extra claims is not being paid at this time.

**Filing Fee Calculation**      \$ 1,908.00

### B. ☐ Design application (\$310.00 - 37 CFR 1.16(f))

Filing Fee Calculation      \$

### C. ☐ Plant application (\$480.00 - 37 CFR 1.16(g))

Filing Fee Calculation      \$

## 9. Small Entity Statement(s)

- ☐ Verified Statement(s) that this is a filing by a small entity under 37 CFR 1.9 and 1.27
  - ☐ is(are) attached.
  - ☐ will follow.

- ☐ Status as a small entity was claimed in prior application serial number \_\_\_\_\_ filed on \_\_\_\_\_, from which benefit is being claimed for this application under 35 U.S.C. 119(e), 120, 121 or 365(c) and which status as a small entity is still proper and desired. A copy of the verified statement in the prior application is included.

Filing Fee Calculation (50% of **A**, **B** or **C** above)      \$

**10. Fee Payment Being Made At This Time**

☒ Not Enclosed

☒ No filing fee is to be paid at this time. (This and the surcharge required by 37 CFR 1.16(e) can/will be paid subsequently.)

☐ Enclosed

<input type="checkbox"/> basic filing fee	\$
<input type="checkbox"/> recording assignment (\$40.00; 37 CFR 1.21(h))	\$
<input type="checkbox"/> petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached. (\$130.00; 37 CFR 1.47 and 1.17(h))	\$
<input type="checkbox"/> for processing an application with a specification in a non-English language. (\$130.00; 37 CFR 1.52(d) and 1.17(k))	\$
<input type="checkbox"/> processing and retention fee (\$130.00; 37 CFR 1.53(d) and 1.21(l))	\$
<input type="checkbox"/> fee for international-type search report. (\$40.00; 37 CFR 1.21(e))	\$

Total Fees Enclosed \$

**11. Method of Payment of Fees**

☐ Check in the amount of \$

☐ Charge Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.  
A duplicate of this transmittal is attached.

**12. Authorization to Charge Additional Fees**

☐ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. \_\_\_\_\_;

☐ 37 CFR 1.16(a), (f) or (g) (filing fees)

☐ 37 CFR 1.16(b), (c) and (d) (presentation of extra claims)

- ☐ 37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☐ 37 CFR 1.18 (application processing fees)
- ☐ 37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311(b))

**13. Instructions As To Overpayment**

- ☐ credit Account No.
- ☒ refund

**14. Incorporation By Reference of Papers Identified Herein**

Applicant(s) hereby incorporate(s) by reference all papers which are identified in this New Application Transmittal.

**23. Correspondence Address**

**Please use the following correspondence address for all communications:**

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Dated: 8/22/00

  
SIGNATURE OF ATTORNEY

John P. O'Banion, Reg. No. 33,201